

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
June 22, 2021
7:00 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Rich Lintz, Ira Berkowitz, Bridget McAndrew, Susan Buse, and Becky Patel.

Mayor Harris
City Manager Gipson
City Attorney Karr

Motion made by Alderman Berkowitz to approve the June 8, 2021 minutes. Alderman McAndrew seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

AN ORDINANCE TO APPROVE A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CLAYTON AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 2665

City Manager Gipson reported that the bargaining representatives have met, discussed, and agreed upon a successor Collective Bargaining Agreement which contains a resolution of the issues that affect the wages and terms and conditions of the Union members' employment. The fire union members have ratified the agreement and it is being presented for Board approval.

Key provisions of the CBA that were not the City's current practice:

- The parties agreed to an improved mandatory training and certification procedure for fire department personnel.
- All city employees, including fire and police personnel, may sell back 50 percent of their unused but accrued sick leave balance when they separate upon or after reaching normal retirement, as defined by their respective pension plan.

- After ratification of the Agreement, the Fire Department will promote six members to the rank of Apparatus Engineer, and they shall receive an annual stipend of \$2,500. Both front-line apparatuses shall then have assigned to them a promoted Engineer.
- 1 percent wage increase for FY 2021 (not retroactive), and 2 percent wage increase for FY 2022.
- Within 90 days of the execution of the Agreement, the City will add a second provider to its list of 457 providers.

Recommendation is to approve an Ordinance authorizing the City Manager to enter into a successor Collective Bargaining Agreement with the International Association of Fire Fighters Local 2665 and other required administrative actions as may be required to comply with the intent of this ordinance.

City Manager Gipson expressed appreciation and thanks to the collective bargaining teams, Union, and staff.

Alderman Lintz introduced Bill No. 6847, to approve a successor Collective Bargaining Agreement Between the City of Clayton and the International Association of Firefighters Local 2665 to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney Karr reads Bill No. 6847, first reading, an Ordinance Authorizing the City Manager to Execute a Successor Collective Bargaining Agreement with the International Association of Fire Fighters Local 2665 by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6847 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6847, to approve a successor Collective Bargaining Agreement Between the City of Clayton and the International Association of Firefighters Local 2665 to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney Karr reads Bill No. 6847, second reading, an Ordinance Authorizing the City Manager to Execute a Successor Collective Bargaining Agreement with the International Association of Fire Fighters Local 2665 in the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6707 of the City of Clayton.

AN ORDINANCE TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN SAM AND RHODA NUSSBAUM, THE CLAYTON COMMUNITY FOUNDATION AND THE CITY OF CLAYTON FOR A CONTRIBUTION TO FUND IMPROVEMENTS TO THE POND AT OAK KNOLL PARK

City Manager Gipson reported that this is a proposed Memorandum of Understanding intended to provide the City with the funds to make improvements to the pond and surrounding site at Oak Knoll Park. This project was identified in the 2007 Parks & Recreation Master Plan as a priority but has not raised to the level of funded projects in the City's Capital Improvement Program (CIP). This donation will enable the Parks and Recreation Department to move this project forward earlier than the current CIP will allow. The parties to the agreement include Sam and Rhoda Nussbaum (the "Nussbaums"), the Clayton Community Foundation (the "Foundation") (CCF), and the City of Clayton (the "City"). The agreement outlines the following terms:

- The improvements may include a small pavilion, new landscaping, trail improvements, pond improvements and the installation near the pond of stone carved turtles. (A conceptual design is included with Exhibit A).
- The Nussbaums will make a gift to the Foundation of \$150,000 to be paid within 60 days following the execution of the MOU.
- The Foundation will make gifts to the City for costs associated with the project.
- In recognition of the Gift, the Foundation will request that a sign near the pond be installed to recognize that the improvements were made possible by the Gift of the Nussbaums.
- The City will continue to maintain the pond improvements, signage, and enhanced landscaping for a period of no less than twenty-five (25) years.

If the MOU is approved by all parties, the City will continue to develop the project plan, conduct public engagement on the work, seek approval from all governmental bodies and complete the work within eighteen (18) months.

Recommendation is to approve the Memorandum of Understanding between the Nussbaum Family, the Foundation, and the City for improvements to the pond at Oak Knoll Park.

Alderman McAndrew expressed cheers to Patty DeForrest, Director of Parks and Recreation, and her staff for their work to make this happen.

Alderman Buse echoed Alderman McAndrew's comments and thanked the Nussbaums and the CCF for their work to get this project going.

Kathleen Gund, resident, commented that this is a generous gift from the Nussbaums and in referencing the Capital Improvement Plan asked if the City is covering \$50,000 of the \$200,000 project.

Patty DeForrest confirmed that the City is covering the \$50,000 and they are working with a consultant adding that the City may not need the whole amount, but that the scope will not increase.

Mayor Harris thanked the Nussbaums for their generous gift to improve the park and that they are valued neighbors.

Alderman Patel commented that she is excited about the project and loves going to Oak Knoll to enjoy the nature walks.

Alderman Lintz introduced Bill No. 6848, to approve a Memorandum of Understanding (MOU) with the Clayton Community Foundation and the Nussbaum Family for a donation to fund improvements at Oak Knoll Park Pond to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney Karr reads Bill No. 6848, first reading, an Ordinance Approving a Memorandum of Understanding Between Sam and Rhoda Nussbaum, the Clayton Community Foundation and the City of Clayton for Contributions to Fund Improvements to the Pond at Oak Knoll Park by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6848 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6848, to approve a Memorandum of Understanding (MOU) with the Clayton Community Foundation and the Nussbaum Family for a donation to fund improvements at Oak Knoll Park Pond to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney Karr reads Bill No. 6848, second reading, an Ordinance Approving a Memorandum of Understanding Between Sam and Rhoda Nussbaum, the Clayton Community Foundation and the City of Clayton for Contributions to Fund Improvements to the Pond at Oak Knoll Park in the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6708 of the City of Clayton.

A RESOLUTION TO CONSIDER READOPTING PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST

City Manager Gipson reported that in 1991, the Missouri General Assembly adopted the ethics/personal financial disclosure law, which affects municipalities with an annual operating budget in excess of \$1 million. The ethics legislation allowed political subdivisions to establish their own method of disclosing potential conflicts of interest and substantial interests. Accordingly, pursuant to Section 105.485 of the Missouri Revised Statutes, on August 13, 1991, the City adopted by ordinance its own simplified personal financial disclosure requirements.

According to Section 105.485.4, RSMo., the Missouri Ethics Commission requires each affected municipality to readopt the personal financial disclosure ordinance in an open meeting biennially by September 15th.

Recommendation is to approve the resolution readopting the City of Clayton's procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

Motion made by Alderman Linz to approve Resolution No. 2021-10, Readopting Procedure to Disclose Potential Conflicts of Interest. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO APPROVE THE APPOINTMENTS TO BOARDS AND COMMISSIONS

City Manager Gipson reported that the following individuals have expressed interest in being appointed to or continuing to serve as a member of the following Boards or Commissions of the City. Mayor Harris has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

City Plan Commission/ARB

Steve Lichtenfeld	Ward 3 (reappointment for a 3-yr term through June 30, 2024)
Carolyn Gaidis	Ward 2 (reappointment for a 3-yr term through June 30, 2024)

Clayton Community Equity Commission

Francis Pires	Ward 1 (reappointment for a 3-yr term through June 30, 2024)
Ben Uchitelle	Ward 2 (reappointment for a 3-yr term through June 30, 2024)

Parks & Recreation Commission

James Craig	Ward 3 (reappointment for a 3-yr term through June 30, 2024)
Daniel Henke-Cilenti	Ward 1 (appointment to unexpired term through June 30, 2022)

Public Art Advisory Committee (PAAC)

Dwyer Brown	Ward 1 (reappointment for a 3-yr term through June 30, 2024)
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Sustainability Committee

Cindy Mense	Ward 1 (reappointment for a 3-yr term through June 30, 2204)
Tina Murtha	Ward 3 (reappointment for a 3-yr term through June 30, 2024)
Bill Chamberlain	Chairman

Non-Uniformed Employees Retirement Fund

Rick Hummel	Ward 2 (reappointment for a 3-yr term through June 30, 2021)
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Uniformed Employees Retirement Fund

Bill Grayson	Ward 1 (reappointment for a 3-yr term through June 30, 2021)
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Recommendation is to consider the appointments.

Alderman Lintz commented that this was a great job in getting the appointments done in a timely manner.

Mayor Harris expressed thanks to the citizens for volunteering their time to the City.

Alderman Berkowitz recommended that the City continue having the annual reception.

Motion made by Alderman Lintz to approve the appointments. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

CLAYTON COMMUNITY EQUITY COMMISSION EX-OFFICIO MEMBERS

City Manager Gipson reported that the Clayton Community Equity Commission (CEC) currently has five (5) Ex-Officio members, including representatives from Washington University- St. Louis, St. Louis County, the School District of Clayton, Clayton Chamber of Commerce and the religious community.

Sean Doherty, Superintendent of the School District of Clayton, is retiring at the end of June and the District has recommended that the Board of Aldermen appoint Cameron Poole, the District's Director of Equity and Inclusion, to the CEC as an Ex-Officio member.

Ellen Gale, Executive Director of the Clayton Chamber of Commerce, has standing meetings that conflict with the CEC regular meeting date and time. The Clayton Chamber of Commerce would like to continue its participation and is recommending that a member of their Board of Directors serve on the CEC in her place as an Ex-Officio member.

Staff recommends that the Board of Aldermen appoint Cameron Poole to represent the School District of Clayton and a member of the Clayton Chamber of Commerce Board of Directors to represent their organization on the Community Equity Commission.

Alderman Buse commented that it is valuable to have liaisons on the commissions and suggested that other committees may look at this because it brings in voices and a way to reach a broader community.

The Board of Aldermen were in consensus to accept/appoint Cameron Poole to represent the School District of Clayton and an appointment of a representative from the Clayton Chamber of Commerce Board of Directors (replacing Ellen Gale) to the Community Equity Commission.

MUNICIPAL JUDGE

City Manager Gipson reported that the provisions for judge are found in the City's Charter as previously discussed. The judge is appointed and approved by the Board to a two-year term. The City advertised in the Missouri Lawyers Media publication with a deadline period of two weeks to which we received two applications, one from Cynthia Garnholz and another from Mark Goodman. The mayor convened a panel of three (herself and two attorneys) which they met yesterday and reviewed the applications.

Mayor Harris stated that there was a process improvement this year having panels in the past, but this year with the recommendation by the Community Equity Commission (CEC) and its liaisons the City sought more astute expert advice for the panel. Recruited were Peter Krane, former County Counselor, longtime attorney, and Clayton resident and also invited Peter Joy, Professor of Law, Washington University, Director of the Criminal Justice Clinic in St. Louis. The applicants are two extremely talented attorneys, but only one had extensive experience as a municipal judge – County municipal court and a longtime Clayton Provisional judge. Recommendation by the panel was to select Cynthia Garnholz as the judge.

Mayor Harris added that Peter Krane provided a lot to her understanding of the municipal judge work and that over the past six years there have been a lot of changes in the courts and how they are supposed to operate. There have been many trainings and educational seminars that

the judges participate in and as a provisional judge during that time Ms. Garnholz participated in all those training sessions. According to her experts she is “up to speed” on all of the different procedures that have been put in place to make the courts better.

Mayor Harris noted that at the request of the selection panel she did some investigating confirmed that there were no complaints ever brought against Ms. Garnholz during the 10 years she was with the County municipal court and there were no complaints ever registered against Ms. Garnholz during her tenure as our provisional judge.

Mayor Harris also referenced letter of recommendations received from Renée Harden Thomas, Judge, Division 5, St. Louis County Circuit Court, the Honorable Margaret Donnelly, Judge, Division 20n St. Louis County Circuit Court, Mark Winings, former Clayton Alderman, the Honorable Caroline C. Whittington, retired Judge, St. Louis County Circuit Court, and the Honorable Patricia Redington, retired former St. Louis County Counselor. She added that she also has two extensive emails one from Peter Krane and one from Peter Joy which she has shared with the Board.

Mayor Harris stated that she will support Cynthia Garnholz as the City’s Municipal Judge appointee.

Chris Schmiz, resident, addressed the Board stating that the role of the municipal judge is very important, and we all depend on it to be fair. She spoke of concerns about Cynthia Garnholz based on the inequities demonstrated by the parking restrictions that Ms. Garnholz spearheaded in the Moorlands in 2015 which at that time Ms. Garnholz, was the Ward 2 Alderman, and lives in a single-family home in the Moorlands. She stated that Ms. Garnholz spearheaded an effort to restrict overnight parking in the 7400 blocks to residents of those blocks only which resulted in people being fined for parking in front of those homes. She stated that Public Works recommended that these restrictions be discontinued and added that a no parking sign was placed directly in front of Ms. Garnholz’ home. Ultimately there was a series of public meetings which resulted in the restrictions being removed. Afterwards a neighborhood association open to all the residence of the Moorlands was created. She noted that prior to this the only people allowed to be members of the resident association in the Moorlands were people who lived in single-family homes. A lot of people, including herself, are now much more aware of the importance of paying attention to who is chosen as a local representative. She stated that while Ms. Garnholz did nothing illegal, she felt that fairness and equity in representing all of the people she was supposed to represent was not evident in her judgment. She said that she has no doubt Ms. Garnholz is a competent attorney and realizes that people change and grow with time. She knows the Board shares her commitment to equity, inclusion, and fairness for all and trusts that they make the right decision for all and wanted to factor this into that decision making.

Alderman Buse asked if this issue was addressed in the panel discussion.

Mayor Harris stated that it had not been addressed due to them not knowing about the concern. The panel convened was attorneys who were looking at the ability to run a municipal court in a just and fair manner and who is trained and educated to do the job. Their concern was if any complaints had been brought against her which there had been none.

Alderman Berkowitz commented that he was coming in as a new alderman when the issue about the parking restrictions were brought about. Although he appreciated what had happened, he feels too that it probably was not the smartest for the City to be engaged in, considering it

was splitting a neighborhood. In Cynthia's defense he does not feel that she necessarily thought through what it was that she was doing that somehow caused an inequity issue. Sitting on the Board with her for many years, she was always the first one to think about what policies that were instituted that might have a negative effect on welcomeness of our City for minorities and those who are maybe underprivileged. He added that Cynthia has always been there, she has always spoken her mind, and she was always mindful of us to not do that would somehow make our City less welcoming. For example, there was a grant received for the Police Department for officers to stop vehicles to make sure that people were wearing seatbelts, but Cynthia was the first to take a stand and say no – that we should not be doing it because it would be one more excuse to stop minorities that are coming to our City and we should not be doing that. Just one example out of many that she has been very quick to recognize that we should not do.

He feels that what happened in 2015 is one of those things where an unintended consequence arrived out of a problem of parking in that neighborhood and he is sure this is something Cynthia would have never wanted to happen.

Mayor Harris added that Cynthia also sponsored, and the Board passed an ordinance, a bill for domestic partnership – it was her ideal and it was being inclusive and fair to everybody. She has always known her to be forthright and fair.

Alderman Buse expressed her appreciation to Chris Schmiz for bringing her concerns to the Board and thanked her for the work she is doing on the Equity Commission.

Mayor Harris expressed that Chris is a great community advocate, she has helped so much on the Equity Commission and working hard on the Commemorative Landscape Commission, has been a loyal and true citizens for many years to Clayton and it is very much appreciated.

Motion made by Alderman Lintz to approve the appointment of Cynthia Garnholz as the Municipal Judge. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Mayor Harris noted that with Cynthia's appointment there is now a Provisional Judge vacancy that the City will work on filling.

Other

Alderman Lintz:

- Plan Commission/ARB – reviewed final development and design criteria for the Downtown Overlay District from H3

Alderman Berkowitz commented that the Shaw Park playground is “one heck of playground – a gem and his grandchildren enjoyed it.

Alderman McAndrew:

- CCF - discussed branding and committee structure; may be changing the name of the Ralph Clayton Society

Alderman Buse:

- CCF – attended her first meeting as liaison

Alderman Patel:

- DeMun park – met with members of the PAAC and CCF to discuss the mural project and the next steps; citizens are enjoying the water mister and the new restrooms

Mayor Harris reported on the following:

- Attended an event by the County Prosecutor's office – Community Case review – topic: Police involved shootings
- Updated Board on the Centene art wall

There being no further business the meeting adjourned at 7:55 p.m.

Mayor

ATTEST:

City Clerk